

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

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SMARTMATIC USA CORP.,  
SMARTMATIC INTERNATIONAL  
HOLDING B.V., and SGO  
CORPORATION LIMITED,

Plaintiffs,

v.

MICHAEL J. LINDELL and MY  
PILLOW, INC.,

Defendants.

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Case No. 22-cv-0098-JMB-JFD

**DECLARATION OF JULIE M. LOFTUS IN SUPPORT OF SMARTMATIC'S  
MOTION TO SHOW CAUSE**

I, Julie M. Loftus, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am over the age of 18, I am competent to make this declaration, and I have personal knowledge of the facts stated herein. These facts are true to the best of my knowledge, information, and belief, and if called upon to testify as a witness, I could and would testify competently to them.

2. I am an attorney at the law firm Benesch, Friedlander, Coplan & Aronoff, LLP, and I represent Plaintiffs Smartmatic USA Corp., Smartmatic International Holding B.V., and SGO Corporation Limited ("Smartmatic") in the above-captioned lawsuit.

3. Attached as Exhibit A is a true and correct copy of Defendants' Fifth Supplemental Responses to Plaintiffs' Discovery.

4. On May 20, 2024, Defendants produced a letter from the U.S. Internal Revenue Service dated June 2023, notifying Michael J. Lindell that the agency was placing a tax lien on a property owned by an entity the IRS determined was his alter ego. The document was marked confidential.

5. The June 2023 letter from the IRS indicated that the agency sent Mr. Lindell a prior letter on similar subject matter. The letter further indicated that Mr. Lindell could avoid the consequences of the lien through a response due within 30 days of the date of the letter.

6. After Defendants obtained new counsel, I participated in a call on November 22, 2023 with counsel for Defendants. We discussed various deficiencies with Defendants' responses to interrogatories and production of documents.

7. Smartmatic reiterated Defendants' discovery deficiencies in detail in a letter dated December 19, 2023 and asked for counsel's availability to meet and confer.

8. The parties met and conferred on January 18, 2024. Smartmatic explained why it believed Defendants' interrogatory responses were deficient. Later that day I sent an email to Defendants' counsel memorializing the conversation and providing a written record of the basis of Smartmatic's deficiency claims.

9. The parties discussed Defendants' deficiencies again on an April 15, 2024 call, and I reiterated Smartmatic's position in an email on April 17, 2024.

10. Defendants finally produced supplemental discovery responses and produced documents on May 20, 2024. After reviewing those responses and documents, Smartmatic determined that Defendants' responses and production remained deficient. I

participated in a call with Defendants' counsel on this issue on June 3, 2024, and I reiterated the specific items Smartmatic would include in its Motion to Show Cause on June 4, 2024.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.



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Julie M. Loftus

Executed on June 7, 2024.